

Applic. No. 10/673,706
Amdt. dated March 14, 2005
Reply to Office action of December 14, 2004

Drawing Amendments

The attached sheet of drawings includes changes to Figs. 2, 3, and 4. These sheets which include Figs. 1-5, replace the original sheets including Figs. 1-5. In Fig. 2, 3, and 4, the latching element "9" is now shown on the opposite side of the plastic element "7".

Please approve the drawing changes that are marked in red on the accompanying "Annotated Sheet Showing Changes" of Figs. 2, 3, and 4. Formal "Replacement Sheets" of amended Fig. 2, 3, and 4 are also enclosed.

Attachments: Replacement Sheet
Annotated Sheet Showing Changes

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-9 remain in the application.

In the first paragraph on page 2 of the above-identified Office action, the drawings have been objected to.

The Examiner stated that the latches 9 seem to be shown on the incorrect side. As noted above, Figs. 2, 3, and 4 have been changed so as to show the latches "9" on the correct side of the plastic element. Therefore, the objection to the drawings by the Examiner is believed to have been overcome.

The Examiner alleges that the underlays 8 are confusingly shown and that it is unclear how these would aid resiliency of parts 5. It is respectfully noted that the instant application does not disclose that the underlays 8 aid the resiliency of the retaining elements 5. The Examiner is directed to Fig. 3 and page 8, lines 21-25 of the specification of the instant application, where it is disclosed that the plastic underlays 8 prevent the retaining elements 5 from being over bent under mechanical loading. Fig. 3 clearly shows that the underlays 8 are disposed below

the retaining elements 5 and thus serve to limit the amount of deflection possible for the retaining elements 5. Therefore, the drawings have not been amended with respect to the underlays 8.

In the second paragraph on page 2 of the Office action, claims 2 and 8 have been rejected as failing to comply with the enablement requirement under 35 U.S.C. § 112.

The Examiner stated that claims 2 and 8 are based on a non-enabling disclosure for the reasons set forth above. Claim 2 merely states that underlay elements are disposed underneath the resilient retaining elements. This is not complex and it is clearly shown in Fig. 3. Accordingly, the disclosure is believed to be fully enabling. Therefore, claim 2 has not been amended to overcome the rejection.

Regarding claim 8, as noted above, Figs. 2, 3, and 4 have been changed to show the latching element on the opposite side of the plastic element. Accordingly, the disclosure is believed to be fully enabling. Therefore, claim 8 has not been amended to overcome the rejection.

In the third paragraph on page 2 of the Office action, the drawings have been objected to under 37 CFR 1.83(a).

The Examiner stated that features of claims 2 and 8 must be shown or cancelled from the claims. As noted above, the features from claim 2 are believed to be shown as required and Figs. 2, 3, and 4 have been amended so as to properly show the latching element in claim 8 on the opposite side of the plastic element. Therefore, the objection to the drawings by the Examiner is believed to have been overcome.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

In the penultimate paragraph on page 3 of the Office action, claims 1 and 3-9 have been rejected as being obvious over Liu et al. (U.S. Patent No. 6,396,686 B1) (hereinafter "Liu") in view of Alliot et al. (U.S. Patent No. 6,025,987) (hereinafter "Alliot") under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 9 call for, *inter alia*:

retaining rails containing a plastic element having resilient portions for establishing lateral tolerance compensation with respect to the side walls of the mounting cradle and a metal element enclosing at least certain portions of the plastic element, the metal element having resilient retaining elements interacting with the guiding elements of the mounting cradle.

The Liu reference discloses mounting devices (10) for mounting a drive (40) in a cage (52) of a computer. The mounting device (10) includes a plastic board body (30) and a plurality of metal fixing clips (20). The board body (30) includes a handle portion (39) which has a tapered locking portion (392) on an outer surface thereof.

The Alliot reference discloses a mounting arrangement which includes side members (24 and 25) having sidewall elements (26) made of plastic and having studs (27) for mounting a drive (20) in a support structure (40) of a computer. At least one of the studs (27) is provided on spring-metal

mounting elements (30). The mounting elements (30) are U-shaped so that they enclose the sidewall elements (26). One arm of the mounting element (30) is formed with a resilient contact (31) which provides good electrical contact between the drive (20) and the support structure (40).

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest retaining rails containing a plastic element having resilient portions for establishing lateral tolerance compensation with respect to the side walls of the mounting cradle and a metal element enclosing at least certain portions of the plastic element, the metal element having resilient retaining elements interacting with the guiding elements of the mounting cradle, as recited in claims 1 and 9 of the instant application.

Liu does not disclose a plastic element having resilient portions for establishing lateral tolerance compensation. The Examiner alleges that the portions (392) of the handle portion would help to center the modules. This is not accurate because the locking portion (392) of Liu retains a slide-in module in the mounted position by locking the locking portion

(392) in a corresponding slot (58) in the cage (52) (column 3, lines 24-28). In Liu the outer surface of the handle portion (39), which forms the locking portion (392) does not touch the wall (54) of the cage (52) and the inner surface of the handle portion (39) does not touch the slide in module (40). This is clearly shown in Fig. 5 of Liu. Consequently, the locking portion (392) cannot exert a force between the slide-in module (40) and the walls (54). Therefore, the locking portion (392) of Liu does not provide a lateral tolerance compensation. Furthermore, as correctly stated by the Examiner Liu does not disclose a metal element having resilient retaining elements for retaining the module in place.

The Alliot reference does not disclose retaining rails containing a plastic element having resilient portions for establishing lateral tolerance compensation with respect to the side walls of the mounting cradle and a metal element enclosing at least certain portions of the plastic element, the metal element having resilient retaining elements interacting with the guiding elements of the mounting cradle.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Both Liu and Alliot disclose the use of metal elements for providing an electrical connection between a mounted slide-in module and the wall of a mounting cradle. Neither Liu nor Alliot discloses that the metal elements are suited or used for providing a lateral tolerance compensation. Furthermore, Liu and Alliot teach away from the use of plastic elements as plastic elements would impede the ground connection. Contrary thereto, the instant application as claimed, uses plastic elements having resilient portions for establishing lateral tolerance compensation with respect to the sidewalls of the mounting cradle.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 9. Claims 1 and 9 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-9 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

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call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


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1/2

FIG 1

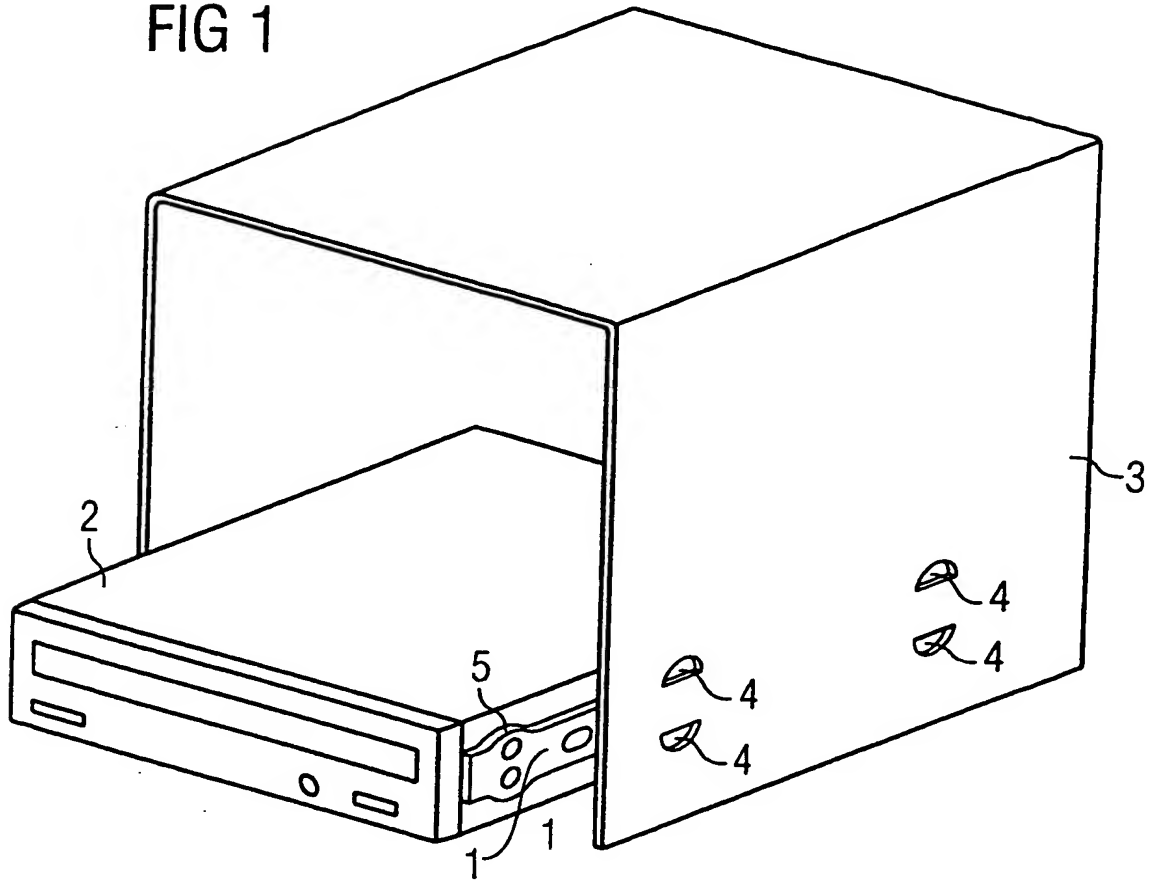


FIG 2

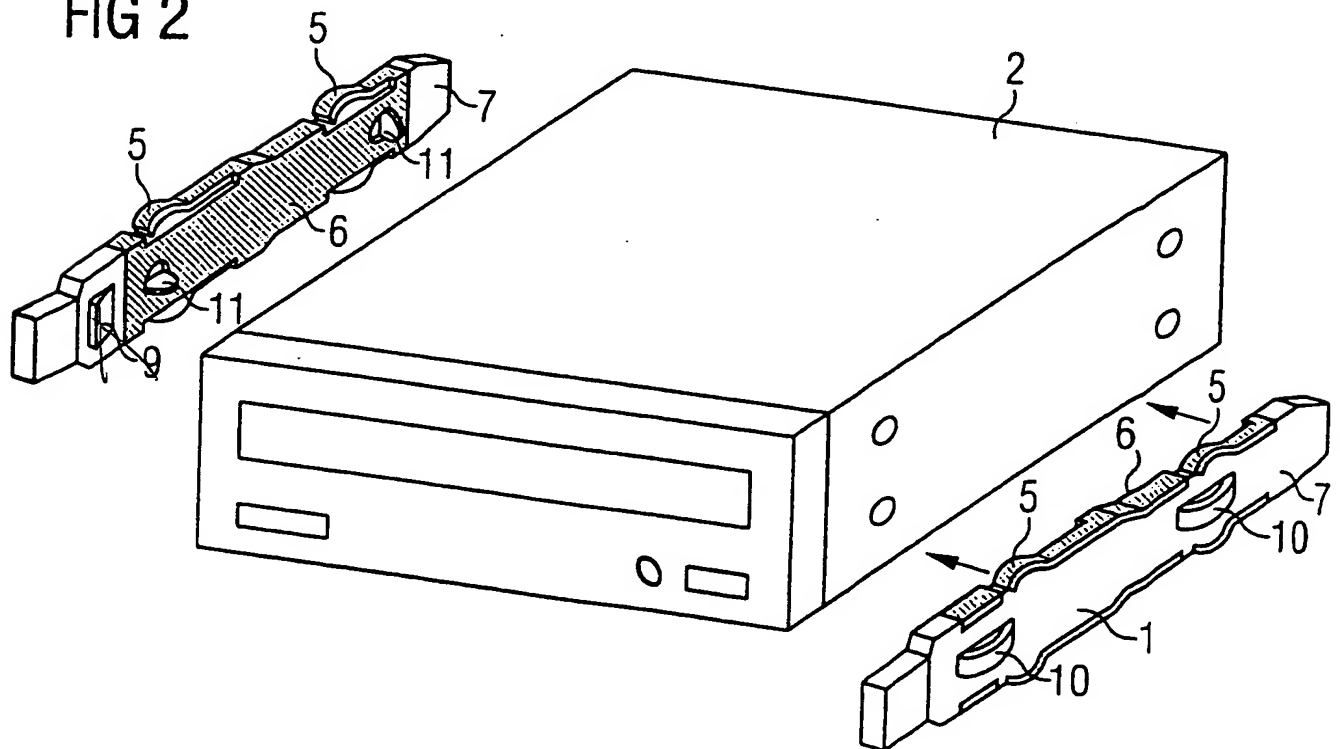


FIG 3

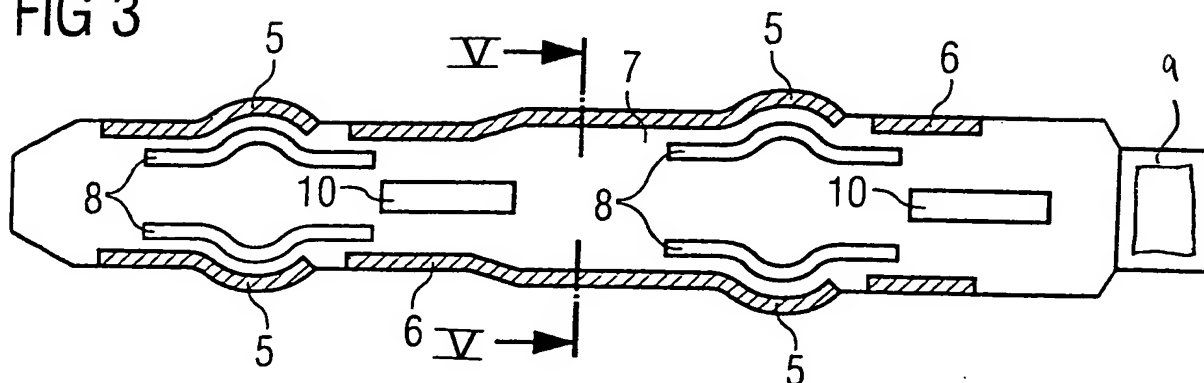


FIG 4

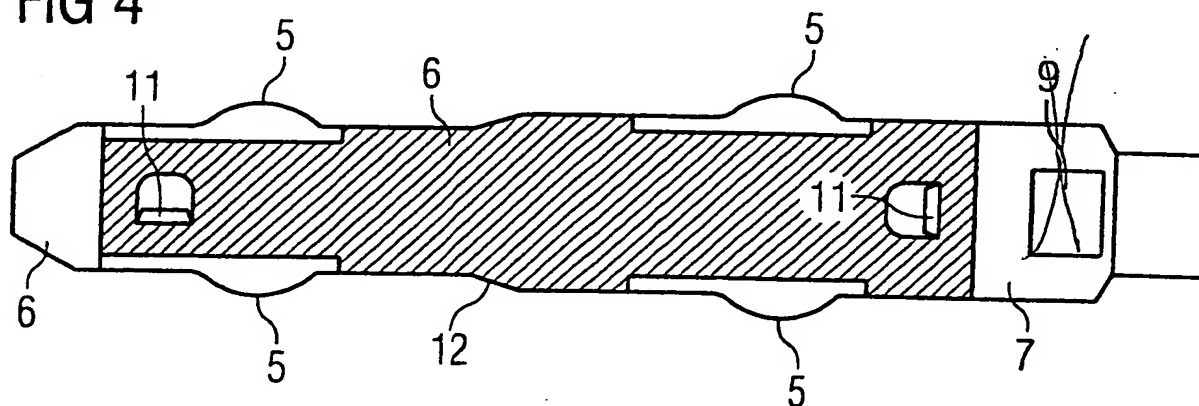


FIG 5

